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EXAMINER
LAO, TIM P

ART UNIT	PAPER NUMBER
2655	6

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 2-7-01 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

| 2.   Claims 1-11, 13-18, 20-28, 30-35, and 37-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (U.S. Patent Publication 2002/0087316, hereinafter "Lee"). |

Claim(s)	Lee discloses:
1	A method of identifying one or more items from amongst a plurality of items in response to a spoken utterance, the method comprising: using an automatic speech recognizer (Fig.1: **34**) to recognize the utterance (Fig.1: **32**), including generating a plurality of hypotheses (e.g., two of N-best hypotheses: "give me hottest golf book from Amazon", "give them hottest gulf from Amazon", p.2, ¶ 0018; Fig.3: **36**) for the utterance; and generating a query element (e.g., a request "give me hottest golf book from Amazon": p.1, ¶ 0014; Fig.4: **80**) based on the utterance, for use in identifying one or more items (e.g., golf book) from amongst the plurality of items (e.g., books from Amazon), such that the query element includes values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon": p.2, ¶ 0018) representing two or more hypotheses of the plurality of hypotheses (N-best hypotheses). *{The query element, representing a request, generates values, representing the two*

	hypotheses.}
Claim(s) 2	<u>Lee discloses:</u> A method as recited in claim 1, wherein the query element (e.g., the request) includes values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon") representing a best hypothesis (e.g., "give me hottest golf book from Amazon") and a hypothesis (e.g., "give them hottest gulf from Amazon") other than the best hypothesis from the plurality of hypotheses. *{Since the meanings of 'hottest' and 'golf' are constrained to be POPULARITY and BOOK respectively, the best hypothesis is "give me hottest golf book from Amazon". (p.2, ¶ 0021, ll.14-21; p.3, ¶ 0023; see Fig.4 & 5)}*
Claim(s) 3	<u>Lee discloses:</u> A method as recited in claim 1, wherein the query element includes values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon") representing all of the plurality of hypotheses (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon"). (p.2, ¶ 0018)
Claim(s) 4	<u>Lee discloses:</u> A method as recited in claim 1, wherein the query element is a vector. *{The recognition result 36 is inherently represented as a vector in order for it to be weighted. (p.2, ¶ 0017, ll. 9-12)}*
Claim(s) 5	<u>Lee discloses:</u> A method as recited in claim 1, wherein each of the hypotheses includes one or more words (e.g., 'hottest', 'Amazon'), wherein the query element includes a set of values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon": p.2, ¶ 0018), each value corresponding to one of said words, and wherein the method further comprises weighting each of the values in the query element based on a confidence measure (e.g., recognition importance: p.2, ¶ 0017) of the hypothesis that includes the word corresponding to said value.

Claim(s) 6	<u>Lee discloses:</u> A method as recited in claim 5, wherein the confidence measure of each hypothesis is based on a rank (e.g., the best hypothesis "give me hottest golf book from Amazon" and the second best hypothesis "give them hottest gulf from Amazon") of said hypothesis among the plurality of hypotheses. (p.2, ¶ 0021, ll.14-21; p.3, ¶ 0023; see Fig.4 & 5)
Claim(s) 7	<u>Lee discloses:</u> A method as recited in claim 5, wherein the method further comprises weighting each of the values in the query element based on a confidence measure of the word corresponding to said value. (p.3, ¶ 0025) *{The confidence measure of a word is a result determined from the relevancy, e.g., the frequency of a term appears during search.}*
Claim(s) 8	<u>Lee discloses:</u> A method as recited in claim 1, further comprising applying the query element (e.g., the request) to the plurality of items to identify one or more items (e.g., hottest golf book) from amongst the plurality of items (e.g., books from Amazon). (p.2, ¶ 0018)
Claim(s) 9	<u>Lee discloses:</u> A method as recited in claim 8, wherein each of the items is a destination (e.g., a person's home phone) in a call routing system. (p.2, ¶ 0019; p.3, ¶ 0024)
Claim(s) 10	<u>Lee discloses:</u> A method as recited in claim 9, wherein each of the items is a dataset (e.g., web page content) in an information retrieval system. (p.1, ¶ 0004; p.1, ¶ 0005, ll.1-4)
Claim(s) 11	<u>Lee discloses:</u> A method as recited in claim 1, wherein the plurality of items (e.g., books from

	Amazon) are items of text data.
Claim(s) 13	<u>Lee discloses:</u> A method of identifying one or more items from amongst a plurality of items in response to a spoken utterance, the method comprising: using an automatic speech recognizer (Fig.1: **34**) to recognize the utterance (Fig.1: **32**), including generating a plurality of hypotheses (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon": p.2, ¶ 0018: Fig.3: **36**) for the utterance, wherein each of the hypotheses includes one or more words (e.g., 'hottest', 'Amazon'); generating a query element (e.g., a request "give me hottest golf book from Amazon": Fig.4: **80**; p.2: ¶ 0021) for use in identifying one or more items (e.g., golf book) from amongst the plurality of items (e.g., books from Amazon), wherein the query element includes a set of values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon": p.2, ¶ 0018) representing all of the plurality of hypotheses, each value (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon") corresponding to one of said words (e.g., 'hottest', 'Amazon'); and *{The query element, representing a request, generates values, representing the two hypotheses.}* weighting each of the values in the query element based on a confidence measure (e.g., recognition importance: p.2, ¶ 0017) of the hypothesis that includes the word corresponding to said value, wherein the confidence measure of each hypothesis is based on a rank (e.g., the best hypothesis "give me hottest golf book from Amazon" and the second best hypothesis "give them hottest gulf from Amazon") of the hypothesis among the plurality of hypotheses. *{Since the meanings of 'hottest' and 'golf' are constrained to be POPULARITY and BOOK respectively, the best hypothesis is "give me hottest golf book from Amazon". (p.2, ¶ 0021, ll.14-21; p.3, ¶ 0023; see Fig.4 & 5)}*
Claim(s) 14	<u>Lee discloses:</u> A method as recited in claim 13, further comprising weighting each of the values in

	the query element based on a confidence measure of the word corresponding to said value. (p.3, ¶ 0025) *{The confidence measure of a word is a result determined from the relevancy, e.g., the frequency of a term appears during search.}*
Claim(s) 15	<u>Lee discloses:</u> A method as recited in claim 13, further comprising applying the query element (e.g., the request) to the plurality of items to identify one or more items (e.g., hottest golf book) from amongst the plurality of items (e.g., books from Amazon). (p.2, ¶ 0018)
Claim(s) 16	<u>Lee discloses:</u> A method as recited in claim 15, wherein each of the items is a destination (e.g., a person's home phone) in a call routing system. (p.2, ¶ 0019; p.3, ¶ 0024)
Claim(s) 17	<u>Lee discloses:</u> A method as recited in claim 15, wherein each of the items is a dataset (e.g., web page content) in a database (e.g. web database: Fig.3: **74, 76, 78**) in an information retrieval system. (p.1, ¶ 0004; p.1, ¶ 0005, ll.1-4)
Claim(s) 18	<u>Lee discloses:</u> A method as recited in claim 13, wherein the plurality of items (e.g., books from Amazon) are items of text data.
Claim(s) 20	<u>Lee discloses:</u> An apparatus (Fig.3) for identifying one or more items from amongst a plurality of items in response to a spoken utterance, the apparatus comprising: means for using an automatic speech recognizer (Fig.1: **34**) to recognize the utterance (Fig.1: **32**), including generating a plurality of hypotheses (e.g., two of N-best hypotheses: "give me hottest golf book from Amazon", "give them hottest gulf from Amazon",

	p.2, ¶ 0018; Fig.3: **36**) for the utterance; and means for generating a set of values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon": p.2, ¶ 0018) representing a query (e.g., a request: p.1, ¶ 0014), for use in identifying one or more items (e.g., golf book) from amongst the plurality of items (e.g., books from Amazon), the set of values including values representing a best hypothesis (e.g., "give me hottest golf book from Amazon") and a hypothesis (e.g., "give them hottest gulf from Amazon") other than the best hypothesis from the plurality of hypotheses.
Claim(s) 21	<u>Lee discloses:</u> An apparatus as recited in claim 20, wherein the set of values includes values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon") representing all of the plurality of hypotheses (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon"). (p.2, ¶ 0018)
Claim(s) 22	<u>Lee discloses:</u> An apparatus as recited in claim 20, wherein each of the hypotheses includes one or more words (e.g., 'hottest', 'Amazon'), wherein each value (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon": p.2, ¶ 0018) of the set of values corresponds to one of said words (e.g., 'hottest', 'Amazon'), and wherein the apparatus further comprises means for weighting each of the values based on a confidence measure (e.g., recognition importance: p.2, ¶ 0017) of the hypothesis that includes the word corresponding to said value.
Claim(s) 23	<u>Lee discloses:</u> An apparatus as recited in claim 22, wherein the confidence measure of each hypothesis is based on a rank (e.g., the best hypothesis "give me hottest golf book from Amazon" and the second best hypothesis "give them hottest gulf from Amazon") of the hypothesis among the plurality of hypotheses. (p.2, ¶ 0021, ll.14-21; p.3, ¶ 0023; see Fig.4 & 5)
Claim(s)	<u>Lee discloses:</u>

24	An apparatus as recited in claim 22, wherein the apparatus further comprises means for weighting each of the values in the set of values based on a confidence measure of the word corresponding to said value. (p.3, ¶ 0025) *{The confidence measure of a word is a result determined from the relevancy, e.g., the frequency of a term appears during search.}*
Claim(s) 25	<u>Lee discloses:</u> An apparatus as recited in claim 20, further comprising means for applying the set of values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon": p.2, ¶ 0018) to the plurality of items (e.g., books from Amazon) to identify one or more items (e.g., golf book) from amongst the plurality of items.
Claim(s) 26	<u>Lee discloses:</u> An apparatus as recited in claim 25, wherein the apparatus is part of a call routing system, such that each of the plurality of items is a call destination (e.g., a person's home phone). (p.2, ¶ 0019; p.3, ¶ 0024)
Claim(s) 27	<u>Lee discloses:</u> An apparatus as recited in claim 25, wherein the apparatus is part of an information retrieval system, such that each of the plurality of items is a dataset (e.g., web page content) in a database (e.g. web database: Fig.3: **74, 76, 78**) of the information retrieval system. (p.1, ¶ 0004; p.1, ¶ 0005, ll.1-4)
Claim(s) 28	<u>Lee discloses:</u> An apparatus as recited in claim 20, wherein the plurality of items (e.g., books from Amazon) are items of text data.
Claim(s) 30	<u>Lee discloses:</u> An information retrieval system (Fig.1) comprising:

	a database; (Fig.1: **44**) an information retrieval engine (Fig.1: **38**) to identify and retrieve one or more items (e.g., golf book) from the database which satisfy a text-based query (e.g., a request: p.1, ¶ 0014; Fig.1: **36**) an automatic speech recognizer (Fig.1: **34**) to generate the query in response to an utterance of a user (Fig.1: **32**), the automatic speech recognizer configured to: generate a plurality of hypotheses (e.g., two of N-best hypotheses: "give me hottest golf book from Amazon", "give them hottest gulf from Amazon", p.2, ¶ 0018; Fig.3: **36**) for the utterance; and generate a query element (e.g., "give me hottest golf book from Amazon": Fig.4: **80**) representing the query (e.g., the request), the query element including values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon") representing two or more hypotheses of the plurality of hypotheses. *{The query element, representing a request, generates values, representing the two hypotheses.}*
Claim(s) 31	<u>Lee discloses:</u> An information retrieval system as recited in claim 30, wherein the query element includes values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon") representing all of the plurality of hypotheses (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon"). (p.2, ¶ 0018)
Claim(s) 32	<u>Lee discloses:</u> An information retrieval system as recited in claim 31, wherein each of the hypotheses (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon") includes one or more words (e.g., 'hottest', 'Amazon'), wherein each value in the query element corresponds to one of said words, and wherein the method further comprises weighting each of the values in the query element based on a confidence measure (e.g.,

	recognition importance: p.2, ¶ 0017) of the hypothesis that includes the corresponding word.
Claim(s) 33	Lee discloses: An information retrieval system as recited in claim 32, wherein the confidence measure of each hypothesis is based on a rank (e.g., the best hypothesis "give me hottest golf book from Amazon" and the second best hypothesis "give them hottest gulf from Amazon") of the hypothesis among the plurality of hypotheses. (p.2, ¶ 0021, ll.14-21; p.3, ¶ 0023; see Fig.4 & 5)
Claim(s) 34	Lee discloses: An information retrieval system as recited in claim 32, wherein the automatic speech recognizer is further configured to weight each of the values in the query element based on a confidence measure of the word corresponding to said value. (p.3, ¶ 0025) *{The confidence measure of a word is a result determined from the relevancy, e.g., the frequency of a term appears during search.}*
Claim(s) 35	Lee discloses: An information retrieval system as recited in claim 30, wherein the information retrieval engine uses the query to retrieve text data (e.g., books from Amazon) satisfying the query from the database.
Claim(s) 37	Lee discloses: A call routing system (Fig.1) comprising: a database; (Fig.1: **44**) a call routing engine (Fig.1: **38**) to identify and provide a caller with access to a call destination (e.g., a person's home phone) which satisfies a text-based query; (p.2, ¶ 0019; p.3, ¶ 0024) and an automatic speech recognizer (Fig.1: **34**) to generate the query in response to an

| | utterance of the caller, the automatic speech recognizer configured to:

generate a plurality of hypotheses (e.g., two of N-best hypotheses: "give me hottest golf book from Amazon", "give them hottest gulf from Amazon", p.2, ¶ 0018; Fig.3: **36**) for the utterance; and

generate a query element (e.g., "give me hottest golf book from Amazon": Fig.4: **80**) representing the query (e.g., the request), the query element including values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon") representing two or more hypotheses of the plurality of hypotheses.
{The query element, representing a request, generates values, representing the two hypotheses.} |
|---|---|
| Claim(s) 38 | <u>Lee discloses:</u>

A call routing system as recited in claim 37, wherein the query element includes values (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon") representing all of the plurality of hypotheses (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon"). (p.2, ¶ 0018) |
| Claim(s) 39 | <u>Lee discloses:</u>

A call routing system as recited in claim 38, wherein each of the hypotheses (e.g., "give me hottest golf book from Amazon", "give them hottest gulf from Amazon") includes one or more words (e.g., 'hottest', 'Amazon'), wherein each value in the query element corresponds to one of said words, and wherein the method further comprises weighting each of the values in the query element based on a confidence measure (e.g., recognition importance: p.2, ¶ 0017) of the hypothesis that includes the corresponding word. |
| Claim(s) 40 | <u>Lee discloses:</u>

A call routing system as recited in claim 39, wherein the confidence measure of each hypothesis is based on a rank (e.g., the best hypothesis "give me hottest golf book from Amazon" and the second best hypothesis "give them hottest gulf from Amazon") of the hypothesis among the plurality of hypotheses. (p.2, ¶ 0021, ll.14-21; p.3, ¶ 0023; see Fig.4 & |

	5)
Claim(s) 41	<u>Lee discloses:</u> A call routing system as recited in claim 39, wherein the automatic speech recognizer is further configured to weight each of the values in the query element based on a confidence measure of the word corresponding to said value. (p.3, ¶ 0025) *{The confidence measure of a word is a result determined from the relevancy, e.g., the frequency of a term appears during search.}*
Claim(s) 42	<u>Lee discloses:</u> A call routing system as recited in claim 37, wherein the information retrieval engine uses the query to retrieve text data (e.g., books from Amazon) satisfying the query from the database.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 12, 19, 29, 36, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee.	
Claim(s) 12	<u>Lee does not show:</u> A method as recited in claim 1, wherein the plurality of items are items of audio data.

	It would have been obvious to a person of ordinary skill in that art at the time the invention was made to modify the method of Lee to include items of audio data such as music because music and songs are popular requested items from users in addition to books.
Claim(s) 19	Lee does not show: A method as recited in claim 13, wherein the plurality of items are items of audio data. It would have been obvious to a person of ordinary skill in that art at the time the invention was made to modify the method of Lee to include items of audio data such as music because music and songs are popular requested items from users in addition to books.
Claim(s) 29	Lee does not show: An apparatus as recited in claim 20, wherein the plurality of items are items of audio data. It would have been obvious to a person of ordinary skill in that art at the time the invention was made to modify the apparatus of Lee to include items of audio data such as music because music and songs are popular requested items from users in addition to books.
Claim(s) 36	Lee does not show: An information retrieval system as recited in claim 30, wherein the information retrieval engine uses the query to retrieve audio data satisfying the query from the database. It would have been obvious to a person of ordinary skill in that art at the time the invention was made to modify the information retrieval system of Lee to include the retrieval of items of audio data such as music because music and songs are popular requested items from users in addition to books.
Claim(s) 43	Lee does not show: A call routing system as recited in claim 37, wherein the information retrieval engine

| | uses the query to retrieve audio data satisfying the query from the database.

    It would have been obvious to a person of ordinary skill in that art at the time the invention was made to modify the call routing system of Lee to include the retrieval of items of audio data such as music because music and songs are popular requested items from users in addition to books. |

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Documents:

[1] 2002/0087309   07/2002   Lee et al.

[2] 6,415,257   07/2002   Junqua et al.

[3] 6,519,562   02/2003   Phillips et al.

[4] 6,269,153   07/2001   Carpenter et al.

[5] 5,675,707   10/1997   Gorin et al.

[6] 2002/0116174   08/2002   Lee et al.

[7] 6,418,431   07/2002   Mahajan et al.

[8] 2002/0133341   09/2002   Gillick et al.

    Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Lao whose telephone number is 703-305-8955. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Tim Lao
Examiner
Art Unit 2655

TL
06/25/04

W. R. YOUNG
PRIMARY EXAMINER